

Zoning Board Meeting Minutes

Date of meeting: November 5, 2020

In Attendance: Ken Farrell, Matthew McHugh, Esquire, Al Champion, George Seymour, Joanne Redding, and Harry Kramer

Minutes Recorded by Nicole Hartman

1. Pledge lead by Joanne Redding
2. Statement of Rules and Procedures--Waived
3. Last month's minutes approved. Agreed unanimously.
4. Continued Hearing for Muhammad Shafiq—appeal # 2020-2236--Cancelled
5. Hearing for Speedpro Imaging—Appeal #: 2020-2995
 - Location: 2548 Street Road
 - Tax Parcel: 02-037-043
 - Request: Variance to allow double sided electronic message board on Street Road (actual specification acceptance)
 - Exhibits
 - B1—Letter to Applicant
 - B2—Proof of Service
 - B3—Proof of Publication
 - A1—Application
 - A2—Certificate of Service
 - In attendance for Applicant
 - Amit Patel
 - Paul Matuszuk Patel
 - Summary
 - Continuation of October, 2020 Hearing
 - No relief or provisions
 - George Seymour asks if appellant is aware of number of time changes
 - Mr. Matuszuk, said he is aware of the rule; however, not completely sure of the exact number of times.
 - Joanne Redding questioned if the new sign will be the same size as the present sign
 - Mr. Matuszuk stated the sign is the same size as present sign and would be in the same place
 - Per Ken Farrell, sign must be in compliance of §232-7-17
 - Motion to Close: Al Champion motioned to close the hearing. George Seymour second the motion.
 - Approval of variance: Al Champion motioned to grant approval of variance. George Seymour second the approval of variance. Decision 4/4 Ayes

6. Hearing for Wicker Avenue, LLC—Appeal #: 2020-2997

- Location: 617 Wicker Avenue
- Tax Parcel: 02-037-043
- Request: Variance for side yard setbacks to construct a single family dwelling.
- Exhibits
 - B1—Letter to Applicant
 - B2—Proof of Service
 - B3—Proof of Publication
 - A1—Application
 - A2—Certificate of Service
 - A3-2—Property deed since 1955
 - A3-3—Tax map for parcels
 - A3-4—Detailed plan of proposed house
 - A3-5—Picture of house being constructed
 - A3-6—Photo of what was on the property
- In attendance for Applicant
 - Mr. Sacco—applicant’s representative
 - Mike Worthington—Applicant
 - Robert Milner
- Summary
 - Continuation from October, 2020 hearing
 - Potential to resize house
 - House reduced in size by 25’ for two-story house
 - Variance for side yard is still needed (26’ x 16’x 11’)
 - New plans submitted
 - Proposed house matches sizes of other houses
 - New exhibits submitted: Revised Plans
 - A3—Summary of change of house size and plot plan to Matthew McHugh (Page 2); Floor plan (Page 3); Elevation (page 4); and Picture of house (Page 5)
 - 11’ side yard setback from house
 - Joanne Redding: comments or objections
 - Motion to Close Hearing: Al Champion motioned to close hearing; George Seymour seconded the motion
 - Motion to Approve Variance: Al Champion motioned the approval. Seconded the motion—Joanne Redding and Harry Kramer.

8) R & R Produce and Garden Center—Appeal# 2020-3006

- Location—1215 Bristol Pike
- Tax Parcel—02-029-22
- Request—variance to move freestanding sign closer to the road, building and impervious coverage, rear and side yard setbacks, and parking requirements
- Exhibits

- B1—Letter to Applicant
- B2—Proof of Publication
- B3—Posting of Publication
- A1—Application
- A2—Certificate of service
- In attendance for Appellant
 - Sharon Dotts—Engineer
 - Mr. Federman—Representative
 - Mr. Richardson—Owner of R&R Produce & Garden Center
- Sumamry
 - Continuation from October, 2020 Hearing
 - Matthew McHugh, Esquire acknowledged the new plans submitted by Mr. Federman. Marked as exhibit B6. Labeled 2C in packet
 - 2A—Original sketch with the loading zone
 - Difference between the two (2) plans is the land being restored to pervious, which deducts 2,000 square feet. The loading zone is eight (8) feet and the dumpster is behind the green house.
 - 2B—Sketch showing the reduction by one (1) parking spot.
 - Last month’s hearing Mr. Richardson was requesting six (6) total variances.
 - Ken Farrell inquired if six (6) variances are still needed
 - Mr. Federman stated that the gravel is there now making the space pervious. Still need the parking setback
 - Al Champion asked whether there is defined parking or not.
 - Mr. Federman answered that the lot is non-conforming in its pre-existing.
 - Ken Farrell again asks what variances are being sought.
 - Matthew McHugh, Esquire responds that the variances needed are for a side yard setback; front yard setback; rear yard setback; off street; Free-standing stand; and parking
 - Mr. Federman stated the need for an additional variance
 - Al Champion verified that there is nine (9) existing parking spots and a buffer had been discussed with the neighbors
 - Mr. Federman state the pervious is at five (5) feet
 - Mr. Richardson explained that the gravel has been restored to as it was at the time of purchase.
 - Joanne Redding stated that grass would look nicer
 - Ms. Dotts stated that the engineered gravel would no longer make the area pervious
 - Mr. Richardson stated that shrubs would be lined up against pervious area similar to how the previous owner had it. No hardscape material would be on display in that area
 - Mr. Federman stated that Mr. Richardson is willing to add parking barriers in order to prevent patrons from parking in the pervious area.
 - Mr. Richardson agreed to also do some landscaping on the side of the property near the fence

- Questions from Joanne Redding regarding signs
- Ms. Dotts stated the variance was originally requested. Sign is being moved back.
- Matthew McHugh, Esquire inquired about the improvement made to the location of the sign.
- Ken Farrell stated that all variances are covered and so far compliance with Board recommendations has been met.
- Al Champion inquired whether sign area will be pervious or impervious
- Joanne Redding asked anyone in favor or against the application to step forward
- Wesley Meyers stepped forward.
- Mr. Meyers stated that he was pleased to see the gravel. He also stated that the original owner would add gravel to stop any flooding. He is in support of the new plan.
- Motion to Close—Al Champion, George Seymour-2nd. 4/4 Ayes
Motion to Approve with conditions—Al Champion, Harry Kramer—2nd, 4/4 Ayes

8) Chaman Popli—Appeal# 2020-0470

- Location—634 Bristol Pike
- Tax Parcel—02-029-422
- Request—Use variance to have apartments on second floor if commercial building in a G-C Zoning District
- Exhibits
 - B1—Letter to Applicant
 - B2—Proof of Publication
 - B3—Posting of Publication
 - A1—Application
 - A2—Certificate of service
- In attendance for Appellant
 - Jean Edelman, Esquire
 - Ken Federman, Esquire
 - Chaman Popli
 - Mr. Patel—Real Estate Listing Agent
- Summary
 - Continuation from September, 2020 Hearing
 - Mr. Federman stated upstairs can be office space. Applicant desires for the upstairs to be used as apartments in order to offer living quarters for his employees.
 - Only would be offered to accommodate employees who run the store
 - Mr. Patel listed the property as a lease for office space and prospects declined
 - Mr. Popli is looking for special acceptance under §232-380-13 E5—Caretaker’s quarters

- Mr. Popli does not want the space to go to waste and wishes to utilize the space.
- No need for variances
- Matthew McHugh, Esquire asks if leases will be signed or would it be as part of an employee contract. Questions as to how it would be enforced
- Per Mr. Popli—He has twenty (20) plus employees, no renters and space he is paying taxes and utilities for that he is not able to use.
- George Seymour asked how many square feet
- Mr. Popli stated that the property is 2,200 square feet, has 1.5 bathrooms and 1 kitchen
- George Seymour asked if it is for a family
- Mr. Popli responded that it would be for three (3) single employees
- Joanne Redding asked whether it is more than one (1) apartment or is there a plan to build more and adding additional kitchen(s) or bath(s)
- Mr. Popli said no just his three (3) employees
- Joanne Redding commented that there are commercial properties available everywhere
- Mr. Patel is the real estate listing agent. He stated that he listed the property one (1) year pre-Covid. He listed it as office space with common area. 80% of calls he fielded were individuals seeking to rent a place to live not commercial use.
- Al Champion stated that it would open the door other residents to want to do the same.
- Mr. Federman stated that State Farm was a residential house
- Ken Farrell stated that the house next to the Restaurant Store is also owned by Mr. Popli
- Joanne Redding inquired if it was a boarding house
- Ken Farrell responded that Mr. Popli has had people living there before without permits. What was done to the property?
- Mr. Popli stated improvements were made to the stairs and adding a shower
- Al Champion inquired about parking
- Joanne Redding inquired if anyone was for or against application
- Joe Connelly stated he had an issue. He stated the drive through area is very dangerous. His property has already been fined \$1,000 for erosion caused by Mr. Popli. He stated that Mr. Popli took out a bearing wall; added a beam to hold second floor, no footing under the beam. Fearful building will collapse. There is approximately \$7,000 total in fines and \$100,000 in property taxes
- Joanne Redding inquired if anyone else is for or against the application
- Motion to Close—George Seymour; Harry Kramer—2nd. 4/4 Aye
- Motion to Deny—George Seymour; Harry Kramer—2nd 4/4 aye

9) Anthony Ricciardi—Appeal# 2020-3561

- Location—3611 Hulmeville Road
- Tax Parcel—02-040-025-001

- Request—Use variance to convert repair shop to convenience store
- Exhibits
 - B1—Letter to Applicant
 - B2—Proof of Publication
 - B3—Posting of Publication
 - A1—Application
 - A2—Certificate of service
- In attendance for Appellant
 - Robert DiBias, Esquire
 - Anthony Ricciardi
 - Matthew Potroski—Architect
- Summary
 - The location is at the northeast corner of Hulmeville Road and Park Avenue (2,400 square feet)
 - Canopy covers four (4) gas pumps (Sunoco)
 - Purchased December, 2018 from Watson
 - Would like to convert the repair shop into a convenience store
 - Mr. Ricciardi believed all variances were granted. Met with township engineer, Mr. Gance
 - Mr. Gance confirmed all variances were there and needed to start construction no later than April, 2019. One year from approval of variance(s)
 - Zoning Board approved variance on April 5, 2018
 - Building permit application filed August, 2020
 - Told he needed a variance
 - Paid \$880,000 for the property
 - Paid \$20,000 in legal fees and an architect believing he could make changes to the property and is not able to
 - Matthew McHugh, Esquire stated no parking variance is needed
 - Mr. Ricciardi agrees that all testimony given by Mr. DiBias as accurate and honest.
 - Mr. Potroski is a licensed architect in multiple states is recognized as an expert stated the plan is to renovate. No proposed addition to the 2,004 square feet
 - Variances that were granted in 2018 are no longer needed. Only variance needed is to use
 - Motion to Close—Al Champion and George Seymour—2nd. 4/4 Ayes
 - Motion to Approve—Al Champion and George Seymour—2nd. 4/4 Ayes

10) Giant Food Stores, LLC c/o Joe LaCagnina—Appeal # 2020-3567

- Location—2721 Street Road
- Tax Parcel—02-037-060; 02-037-060-001; 02-037-060-003
- Request—Variance for special exception to have two electronic graphic display signs
- Exhibits
 - B1—Letter to Applicant

- B2—Proof of Publication
- B3—Posting of Publication
- A1—Application
- A2—Certificate of service
- Summary
 - Finalizing signage
 - Ordinance is for one (1) sign per property
 - There are two (2) accesses and two (2) major roads
 - Able to see sign from each road
 - Signs will be replacing already existing signs
 - Would like the sign to be 2-sided and have the ability to display price changes
 - New signs will be in compliance with all statutes
 - Joanne Redding asked for anyone to step forward for/against application
 - No one stepped forward
 - Motion to Close—Harry Kramer/George Seymour—2nd. 4/4 Ayes
 - Motion to Approve—Harry Kramer/George Seymour—2nd. 3/4 Ayes (Harry Kramer, George Seymour, and Joanne Redding). 1/4 nays (Al Champion)

11) Joseph Krawczyk—Appeal 2020-3558

- Location—1144 Lavender Road
- Tax Parcel—02-062-384
- Request—Variance to construct garage greater than 25% of principal structure
- Exhibits
 - B1—Letter to Applicant
 - B2—Proof of Publication
 - B3—Posting of Publication
 - A1—Application
 - A2—Certificate of service
- In Attendance: Joseph Krawczyk
- Summary
 - Wants to demolish existing garage and build a new on that is 26 x 26 square feet
 - Old garage is 22 x22 and going in the same spot? Any setbacks
 - Mr. Krawczyk stated yes and the 25 % greater than the existing garage
 - Al Champion asked if it is a corner property
 - Mr. Krawczyk stated that it is a corner property
 - Joanne Redding asks if anyone is for/against application
 - No one came forward
- Motion to Close—Al Champion and Harry Kramer—2nd 4/4 Ayes
- Motion to Approve—Al Champion and Harry Kramer—2nd 4/4 Ayes

12) Ida and Michael Drapkin—Appeal #2020-3559

- Location—136 Master Avenue
- Tax Parcel—02-006-001-037
- Request—Construct a deck larger than 6 x 20

- Exhibits
 - B1—Letter to Applicant
 - B2—Proof of Publication
 - B3—Posting of Publication
 - A1—Application
 - A2—Certificate of service
- In Attendance:
 - Ida Drapkin
 - Michael Drapkin
 - Marina Drapkin--Representative
- Summary
 - Was to construct a deck. Per map, only allows a small deck
 - Would like to construct the a bigger deck that is 8 x 20, like everyone else
 - They were denied due to an underground pipe
 - Asking for 10 x 20
 - No deck right now
 - Ken Farrell stated it is a setback issue not a pipe only permitted 6 x 20. The property juts out by 2 feet. Other homes do not. Has no issue with the deck size as long as variance is granted.
 - There is a home owners association but they paid for the house
 - The second floor deck will be uniform with neighbors.
 - Joanne Redding asked if anyone is for/against application
 - No one came forth
- Motion to close—Harry Kramer; Al Champion—2nd 4/4 Ayes
- Motion to approve—Harry Kramer; Al Champion—2nd 4/4 Ayes

13) Boris Kovelman—Appeal # 2020-3564

- Location—2726 Asbury Avenue
- Tax Parcel—02-029-129
- Request—Variance to have second (2nd) floor addition extend beyond the existing house
- Exhibits
 - B1—Letter to Applicant
 - B2—Proof of Publication
 - B3—Posting of Publication
 - A1—Application
 - A2—Certificate of service
- In Attendance:
 - Michael Bucci—Architect
 - Boris Kovelman
- Summary
 - Create four bedroom home with adequate living space
 - Property Setback only gives ten (10) feet
 - This is a corner property
 - Building overtop of the porch

- Al Champion asked if the problem was both the front and side yard
- Mr. Bucci stated there is an issue with both the front and side yard and needs setback
- Joanne Redding stated that the house is not being demolished
- Mr. Bucci said no. Removing the roof and adding the 2nd floor
- Harry Kramer questioned the stability of the foundation of the structure
- Mr. Bucci stated all reinforcements needed will be added
- Mr. Bucci also stated all new windows and siding has been done
- Ken Farrell stated house faces Brown Avenue
- House built in 1947
- Actual approval will need two (2) front yard setbacks and one (1) setback
- Joanne Redding asked if there is anyone for/against application
- No one stepped forward
- Motion to Close—Al Champion; Harry Kramer—2nd 4/4 Ayes
- Motion to Approve—Al Champion; Harry Kramer—2nd 4/4 Ayes

14) James McCafferty—Appeal # 2020-3566

- Location—1249 Lowell Avenue
- Tax Parcel: 02-029-129
- Request: Variance to construct single family dwelling in floodplain
- Motion to Continue Hearing—Al Champion; Harry Kramer 2nd 4/4 ayes
- Motion to Continue Hearing granted. Hearing to be heard on December 3, 2020

15) Extension Request for Dauphine Building and Development, LP—Appeal 2013-340

- Location—1282 Byberry Road
- Tax Parcel #-02-033-108; 02-033-109; 02-033-109-1
- Request—Extension of previously granted relief for proposed townhouses.
- Motion to Continue Hearing—Al Champion; Harry Kramer 2nd 4/4 Ayes
- Motion to Continue Hearing granted. Hearing to be heard on December 3, 2020

16) Motion To Adjourn—Al Champion; George Seymour—2nd 4/4 Ayes